

1 MARK P MEUSER, (SBN 231335)
2 PO Box 5412
3 Walnut Creek, CA 94596
4 Telephone: (415) 577-2850
5 Facsimile: (925) 262-2318
6 e-mail: mpm@markmeuser.com

7 Attorney for Defendant
8 Larry Nolan, Garry Birch, and Jason Sage

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 CORNEALIUS LOPES,

13 Plaintiff,

14 Vs.

15 FREEMONT FREEWHEELERS, et al.,

16 Defendants.

Case No.: C 07-6213 PJH

[PROPOSED] ORDER GRANTING
DEFENDANTS' LARRY NOLAN,
GARRY BIRCH, AND JASON SAGE'S
MOTION TO DISMISS THE
COMPLAINT PURSUANT TO RULE
12(b)(6)

Date: June 25, 2008

Time: 9:00am

Dept.: Courtroom 3, 17th Floor

Judge: Phyllis J. Hamilton

20
21 Defendants LARRY NOLAN, GARRY BIRCH, and JASON SAGE's Motion to
22 Dismiss this action as to them came on regularly for hearing on Wednesday, June 25,
23 2008 in the above-entitled court. The Honorable Phyllis J. Hamilton presiding.
24 Defendants Larry Nolan, Garry Birch, and Jason Sage were represented by their attorney
25 Mark P. Meuser. Plaintiff Cornealius Lopes represented himself.

26
27 After considering the papers in support of the opposing defendants' motion and
28 those matters of which defendants requested judicial notice and the oral arguments at the

1 hearing, and Good Cause appearing, defendants' motion to dismiss is granted. The counts
2 alleged against the various defendants are barred by the applicable statute of limitations,
3 plaintiff failed to state a cause of action upon which relief could be granted, and as to
4 Defendant Jason Sage, the doctrine of Res Judicata precluded this action from being filed
5 against him.

6
7 Accordingly, plaintiff's complaint is dismissed as to defendants Larry Nolan,
8 Garry Birch, and Jason Sage.

9 Dated: June ____, 2008

by: _____
Phyllis J. Hamilton
United States District Judge